

Appl. No. 10/699,945
Amdt. dated October __, 2006
Reply to Office Action of August 3, 2006

IT20020047

REMARKS

Claims 1 and 3-7 remain in the application. Claim 2 has been cancelled. Claims 1, 3 & 7 have been amended. New claims 8-15 have been added.

Applicant appreciates the Examiner's indication that claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully request that the requirement to rewrite the allowable claim in independent form be held in abeyance pending determination of allowability of the base claim and any intervening claims on which the allowable claim depends.

The 35 U.S.C. §102(b) Rejection

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sargeant et al, U.S. Patent No. 5,755,244 ("Sargeant"). The rejection is respectfully traversed. Claim 1 has been amended to incorporate the subject matter of dependent claim 2, and claim 2 has been cancelled. Claim 3 has been amended to depend from amended claim 1. Applicants respectfully submit that amended claim 1 is allowable over the prior art of record.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor, Co.*, 868 F.2d 1226, 1236, 9 USPQ2d, 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim." MPEP §2131.

Applicants respectfully submit that Sargeant does not disclose or suggest an area of the filter below the circular pattern of the downwardly directed jet presenting a percentage of open area lower than the other portions of the filter. In contrast, Sargeant discloses a rotating downwardly directed jet 150 aimed directly at the region of filter plate 104 having the highest percentage of open area. This is described in Sargeant at column 13, lines 25-30 and in Figure 37. Note in Figure 37 the broken line representation of jet 150 impinging directly on the perforations of the filter plate 104.

Appl. No. 10/699,945
Amdt. dated October __, 2006
Reply to Office Action of August 3, 2006

IT20020047

Since each and every element of applicants invention as set forth in amended claim 1 is not supported by the art as set forth above, applicants respectfully submit the rejection of claims 1 as being anticipated by Sargeant is defective and should be withdrawn. Applicant respectfully requests that the examiner withdraw the rejection of independent claim 1.

As claims 3 and 4 depend directly or indirectly from claim 1, claims 3 and 4 are allowable for the reasons as outlined above.

Further, claim 3 requires that two side zones outside of the circular pattern of the downwardly directed jet have a percentage of open area higher than that of the central zone. As disclosed in Sargeant at column 13, lines 25-30 and in Figure 37, the only perforations 81 of filter plate 104 are within the circular pattern of the downwardly directed jet 150. The filter plate 104 of Sargeant has no open area outside of the circular pattern of the jet, and therefore does not have two side zones of higher percentage open area than the central zone.

Additionally, claim 4 requires that the two side zones of claim 3 have a plurality of holes with lower pitch than the pitch of the holes in the central zone of the filter. As there are no side zones with any holes in the filter of Sargeant, there can be no anticipation of claim 4 by Sargeant.

The 35 U.S.C. §103(a) Rejection

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sargeant. As claims 5 and 6 depend indirectly from claim 1, claims 5 and 6 are also allowable for the reasons as detailed above.

New Claims

Claims 8-15 are new. Independent claim 8 provides for a filter with holes in two regions with two distinct percentages of open area where a rotating, downwardly directed water jet strikes the region with the lower percentage open area. Support for this claim is clear from at least Figures 2-6 and paragraphs [0015] and [0016] of the specification. Applicants believe the references of record do not teach or suggest the limitations of claim 8 such that this claim is distinguished over the cited references. Claims 9-15 depend directly or indirectly from allowable claim 8 and further distinguish over the cited references.

Appl. No. 10/699,945
Amdt. dated October __, 2006
Reply to Office Action of August 3, 2006

IT20020047

Conclusion

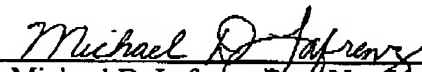
The present response is an earnest effort to place all pending claims in proper form for allowance. Reconsideration and passage to issuance is therefore respectfully requested.

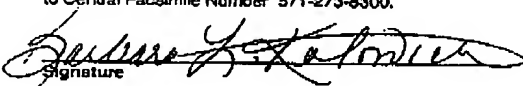
No fees or extensions of time are believed to be due in connection with this filing. However, please consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 23-1660.

Respectfully submitted,

Dated: November 1, 2006

WHIRLPOOL PATENTS COMPANY
500 Renaissance Drive - Ste. 102 MD750
St. Joseph, Michigan 49085


Michael D. Lafrenz, Reg. No. 56,908
Telephone (269) 923-7441

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313-1450.	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office, to Central Facsimile Number 571-273-8300.
Date: <u>November 1, 2006</u>	 signature Barbara L. Katowich